United Nations A/C.3/73/L.22

General Assembly

Distr.: Limited
19 October 2018

Original: English

Seventy-third session
Third Committee
Agenda item 70 (a)
Promotion and protection of the rights of children: promotion and protection of the rights of children

Argentina, Canada, Costa Rica, Ghana, Italy, Netherlands and Zambia: draft resolution

Child, early and forced marriage

The General Assembly,

Reaffirming its resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016 on child, early and forced marriage,

Recalling its resolutions 72/154 of 19 December 2017 on the girl child and 71/170 of 19 December 2016, entitled "Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence", as well as Human Rights Council resolution 35/16 of 22 June 2017 on child, early and forced marriage in humanitarian settings[1] and all other previous resolutions relating to child, early and forced marriage,

Guided by the Universal Declaration of Human Rights,[2] the International Covenant on Economic, Social and Cultural Rights[3] and the International Covenant on Civil and Political Rights,[3] the Convention on the Rights of the Child,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] together with the relevant Optional Protocols thereto,[6] the Supplementary Convention on the Abolition of Slavery,[7] the Slave Trade, and Institutions and Practices Similar to Slavery and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,[8] as well as other relevant human rights instruments,

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. V, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vols. 2171 and 2173, No. 27531, and resolution 66/138, annex; and United Nations, *Treaty Series*, vol. 2131, No. 20378.
[7] United Nations, *Treaty Series*, vol. 266, No. 3822.
[8] Ibid., vol. 521, No. 7525.

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Reaffirming the Vienna Declaration and Programme of Action,[9] as well as the Programme of Action of the International Conference on Population and Development,[10] the Beijing Declaration and Platform for Action[11] and the outcome documents of their review conferences,

Reaffirming also relevant resolutions and agreed conclusions of the Commission on the Status of Women,

Noting the integrated and indivisible nature of the 2030 Agenda for Sustainable Development[12] and the range of goals and targets relevant to eliminating child, early and forced marriage, including target 5.3,

Welcoming the report of the Secretary-General on the issue of child, early and forced marriage,[13] and taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on the expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage, held in Geneva on 21 and 22 October 2016,[14]

Taking note with appreciation of the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, the African Union Campaign to End Child Marriage, the Regional Action Plan to End Child Marriage in South Asia and the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean, as well as ongoing United Nations activities and programmes on child, early and forced marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to promote and protect the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of child, early and forced marriage,

Recognizing also that child, early and forced marriage prevents individuals from achieving their full potential and living their lives free from all forms of violence, including sexual and gender-based violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter, social services, including social protection programmes, childcare and legal services, and psychological, sexual and reproductive health-care services,

Recognizing further the recent progress made globally towards ending child, early and forced marriage, including a decrease in the proportion of girls who were married before age 18 in the past decade, from one in four to approximately one in five, and noting further that, despite this global trend, the prevalence of child, early and forced marriage and adolescent marriage remains high in some regions,

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[9] A/CONF.157/24 (Part I), chap. III.

[10] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[11] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[12] Resolution 70/1.

[13] A/73/257.

[14] A/HRC/35/5.

Expressing concern that the pace of change is not sufficient to eliminate child, early and forced marriage by 2030 and that, in some countries and contexts, rates are rising and that, without further acceleration, an additional 150 million girls under 18 years of age will be married by 2030,

Recognizing that, in many contexts, the practice of child, early and forced marriage can take the form of informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious or State authority and that constitute similarly harmful practices that violate, abuse or impair human rights and are linked to and perpetuate other harmful practices and human rights abuses, that these practices should be addressed in the context of the response to child, early and forced marriage and that these informal unions and other informal arrangements present particular challenges that would be alleviated by the identification of and the gathering of data on informal unions and marriage ceremonies without registration and require particular responses for the girls and women affected,

Expressing deep concern that deep-rooted gender inequalities and stereotypes, harmful practices, perceptions and customs, discriminatory laws, policies and norms, as well as ingrained social bias, impair the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women, children and adolescents, as well as the empowerment of all women and girls, and are also root causes of child, early and forced marriage,

Recognizing that poverty, insecurity, early and/or unintended pregnancy and lack of education are also among the primary drivers of child, early and forced marriage, that armed conflict and humanitarian emergencies are among the exacerbating factors and that child, early and forced marriage remains common in rural areas and among the poorest communities, and recognizing that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community,

Recognizing also that, overall, harmful practices are themselves a form of violence against women and children and are often associated with serious forms of violence and that the persistence of child, early and forced marriage places women and children, in particular the girl child, at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including marital rape and sexual, physical and psychological violence from their partners, and that violence against women and girls is underrecognized and underreported and often coincides with impunity and a lack of accountability, particularly at the community level, which reflects discriminatory norms that reinforce the lower status of girls and adolescent girls in society,

Recognizing further that child, early and forced marriage undermines the autonomy and decision-making of women and girls in all aspects of their lives and that the empowerment of and investment in women and girls, as well as the strengthening of their voice, leadership and meaningful agency and participation in all decisions that affect them, are key factors in breaking the cycle of gender inequality and discrimination, violence and poverty and are critical, inter alia, for sustainable development, peace, security, democracy and inclusive economic growth and the achievement of all Sustainable Development Goals, including the eradication of extreme poverty,

Recognizing men and boys as strategic partners and allies alongside women and girls and that their meaningful engagement can contribute to transforming discriminatory social norms that perpetuate gender-based violence and child, early and forced marriage, ending this practice and achieving gender equality and the empowerment of women and girls,

Recognizing also that families, communities and religious, traditional and community leaders play an essential role in transforming discriminatory social norms and confronting gender inequalities, and recognizing further that empowering girls, including already married girls, requires their active participation in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations with the active support and engagement of their parents, legal guardians, families and care providers, boys and men, as well as the wider community,

Recognizing further that addressing child, early and forced marriage includes supporting the specific needs of married girls, as well as women, affected by this practice and of their children, and underscoring the importance of removing the structural barriers that prevent access to justice, safe and quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services, childcare, employment and vocational training, and the provision of adolescent-friendly health services, protection services and alternatives for those who choose to leave marriage,

Noting with concern that, despite gains in providing access to education, girls are still more likely than boys to remain excluded from primary and secondary education and that child, early and forced marriage disproportionally affects girls who have received little or no formal education and is itself a significant obstacle to educational opportunities and the development of employable skills for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth and/or childcare responsibilities, and recognizing that the attendance of girls at school can be affected by negative perceptions of menstruation and lack of means to maintain safe personal hygiene, such as water, sanitation and hygiene facilities in schools that meet the needs of girls, and that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

Recognizing that child, early and forced marriage remains a serious threat to multiple aspects of the physical and psychological health of women and girls, including but not limited to their sexual and reproductive health, and that the practice exposes girls and women to greater risk of HIV and sexually transmitted infections, often leads to premature sexual relations and early and/or unintended pregnancy, increases the risk of obstetric fistula, high levels of maternal mortality and morbidity, and complications during pregnancy and childbirth, which often lead to disability, stillbirth and maternal death, particularly for young women and girls, which require appropriate prenatal and postnatal health care and services for mothers, and noting with concern that it is likely to have a long-term adverse impact on their physical and mental health and well-being,

Noting with deep concern that the incidence and risk of child, early and forced marriage is highly exacerbated during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster because of various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, breakdown of the rule of law and State authority, misconceptions regarding the provision of protection through marriage, the use of child, early and forced marriage as a tactic in conflict, lack of access to continuous, quality education, the stigmatization of pregnancy outside marriage, the absence of family planning services, disruption of social networks and routines, increased poverty and the absence of livelihood opportunities,

Recognizing that preventing and ending child, early and forced marriage and supporting married girls and women affected by this harmful practice require

appropriate gender- and age-sensitive protection, prevention and response measures, as well as coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, including in humanitarian emergencies and settings, with attention paid to the increased vulnerability of women and girls to sexual and gender-based violence and sexual exploitation in those situations, and that existing gaps in the collection and use of reliable data and evidence remain a major challenge for programming and informing appropriate measures and actions,

1. *Calls upon* States, with the participation of relevant stakeholders, including women and girls, men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, human rights defenders, faith-based organizations, women's, human rights and youth-led organizations and groups, humanitarian actors, the media and the private sector, to develop and implement holistic, comprehensive, integrated and coordinated responses and strategies to prevent, respond to and eliminate child, early and forced marriage, to support girls and women who are at risk, already married girls, married, divorced and widowed women who were married as girls, women and girls fleeing child, early and forced marriage, and women and girls in early and forced informal unions, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice and the sharing of best practices across borders;

2. *Also calls upon* States to adequately and equitably resource national and subnational action plans to end child, early and forced marriage and to ensure that these efforts are included in budget allocation across health, nutrition, protection, governance, education and other relevant sectors and that there is transparency, accountability and public participation in the budgeting process;

3. *Urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and ending child, early and forced marriage and protecting those at risk and, consistent with the fundamental principles of domestic law, to actively integrate these laws and policies into existing local or subnational legal frameworks and traditional legal systems, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women and girls have equality with men and boys in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Also urges* States to enact, uphold, enforce and effectively monitor the implementation of laws concerning a minimum age of marriage and to progressively amend laws so that lower minimum ages of marriage and/or ages of majority are raised to 18, and to engage all relevant authorities to ensure that these laws are well known, disseminated, popularized and understood;

5. *Further urges* States to repeal or amend relevant laws and remove any provision that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims;

6. *Calls upon* States to strengthen their efforts to ensure the timely registration of births and marriages, especially for individuals living in rural and remote areas, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration and by providing, where lacking, mechanisms for the registration of customary and religious marriages, bearing in mind the vital importance of birth registration for the realization of the human rights of individuals, especially girls;

7. *Also calls upon* States to promote the meaningful participation of and active consultation with children and adolescents, especially girls, on all issues affecting them, and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, both offline and online, that provide girls, including already married girls, and boys with information, life skills and leadership skills training and opportunities, including catch-up and literacy education, remote learning opportunities and childcare, as needed, to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

8. *Further calls upon* States to promote education about the harmful effects of child, early and forced marriage on the individual and wider society and the benefits of ending the harmful practice, including through open dialogue with all stakeholders, including girls and boys, women and men, religious, traditional and community leaders, parents, legal guardians and other family members, to empower all women and girls to make decisions about their own lives, work with local communities to combat negative social norms and gender stereotypes that condone child, early and forced marriage, and empower parents and communities to abandon the practice;

9. *Urges* Governments, with the collaboration of relevant stakeholders, to tackle poverty, including extreme poverty, lack of economic opportunities for women and girls, and entrenched economic incentives, as drivers of child, early and forced marriage, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage girls to continue their education, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote the equal access of women to full and productive employment and decent work, as well as their equal political participation and rights to move freely at their own discretion and to inherit, own and control land and productive measures;

10. *Urges* States to ensure that the specific needs and human rights of already married girls and women affected by this harmful practice are addressed through targeted programmes that provide social services to protect them from sexual and gender-based violence, increase their decision-making power, make it easier for them to seek formal employment, increase their economic independence and financial literacy, enable them to gain access to education and lifelong training opportunities, ensure their equal access to health-care services and information and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change harmful gender norms;

11. *Calls upon* States to invest in quality education for every child in a safe environment, including through adequate financing, as well as to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free, quality and continuous primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school, including because of marriage, pregnancy, childbirth and/or childcare responsibilities, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate and age-appropriate comprehensive education that is relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, with the best interests of the child as their basic concern, information on sexual and reproductive health and HIV prevention, gender equality and the

empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and foster informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-service providers, in order to contribute to ending child, early and forced marriage;

12. *Urges* States to prevent and eliminate child, early and forced marriage by removing barriers to education, including by ensuring that married girls and boys, pregnant girls and women and young parents continue to have access to schooling, improving access to quality formal education and skills development, especially for those living in remote or insecure areas, improving the safety of girls at and on the way to and from school, providing safe and adequate sanitation, including for menstrual hygiene management, and adopting laws and policies to prohibit, prevent and address school-related sexual and gender-based violence, and to hold perpetrators accountable, recognizing that education is one of the most effective ways to prevent and eliminate child, early and forced marriage and to help married women and girls make informed decisions about their lives;

13. *Also urges* States to intensify efforts to prevent and eliminate violence and sexual harassment against girls at and on the way to school by, inter alia, implementing effective activities in schools and communities to prevent and respond to violence, engaging men and boys, educating children from a young age regarding their human rights and the importance of treating all people with dignity and respect and by designing educational programmes and teaching materials that support gender equality, respectful relationships and non-violent behaviours;

14. *Encourages* States to adopt, as appropriate, and implement inclusive policies and programmes to promote technical and vocational training and skills development for women and girls, including those at risk of or survivors of child, early and forced marriage, so as to enable them to gain the knowledge, attitudes and skills that they need to fulfil their full potential;

15. *Urges* Governments to promote, respect and protect the right to the enjoyment of the highest attainable standard of physical and mental health through the development and enforcement of policies and legal frameworks and the strengthening of health systems, including health information systems, that make universally accessible and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and nutrition interventions and prevention, treatment of and care for obstetric fistula and other obstetric complications by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendance, emergency obstetric care and post-partum care;

16. *Also urges* Governments to promote and protect the human rights of all women and girls, including the right of women, and those girls who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development,[10] the Beijing Platform for Action[11] and the outcome documents of their review conferences;

17. *Urges* States to formulate or review, as needed, comprehensive, multidisciplinary and coordinated national and subnational plans, programmes or

strategies to eliminate all forms of discrimination and violence against women and girls, including domestic violence, that strengthen child protection systems, have dedicated resources, are widely disseminated and provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring and evaluation mechanisms involving all parties concerned, including consultations with women's and girls' organizations;

18. *Also urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including by informing women, girls and boys about their rights under relevant laws, including by providing information on their rights in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal counselling, assistance and remedies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

19. *Calls upon* States to develop, in consultation with women and, as appropriate, girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage and to protect women and girls from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health services and education, as well as strengthening monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings;

20. *Encourages* relevant United Nations entities and agencies, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to harmonize efforts to collaborate with Member States in developing and implementing strategies and policies at the national, regional and international levels to prevent and eliminate child, early and forced marriage, as well as to support those who were married as children;

21. *Encourages* relevant United Nations entities and agencies, regional and subregional organizations, the international financial institutions, civil society and other relevant actors and human rights mechanisms to continue to collaborate with Member States and national statistical agencies to strengthen data and reporting systems to monitor and publicly report on progress to end child, early and forced marriage based on evidence;

22. *Calls upon* States to improve the collection and use of quantitative, qualitative and comparable data on all forms of violence against women and girls, as well as harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, including conflict, natural disaster and slow-onset environmental degradation, as appropriate, to enhance research and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage and to strengthen monitoring and impact assessment of existing policies and programmes, including through the use of information and communications technology as a means of ensuring their effectiveness and implementation;

23. *Encourages* Governments to include information on progress towards eliminating child, early and forced marriage and on any best practices and implementation efforts in their national reports to relevant international treaty bodies and the universal periodic review and within the national voluntary reviews conducted through the high-level political forum on sustainable development;

24. *Requests* the Secretary-General to submit a comprehensive report to the General Assembly, before the end of its seventy-fourth session, on progress towards ending child, early and forced marriage worldwide, best practices for programmes aimed at ending the practice and supporting already married girls and women affected by this practice, including programmes to empower girls and women, and gaps in funding, research and data collection, dissemination and monitoring, using information provided by Member States, United Nations bodies, agencies, funds and programmes, civil society and other relevant stakeholders;

25. *Also requests* the Secretary-General to convene a high-level meeting on child, early and forced marriage on the margins of the activities to commemorate the twenty-fifth anniversary of the Fourth World Conference on Women, with a particular emphasis on high-prevalence countries, best practices for programmes aimed at ending the practice and supporting already married girls and women affected by this practice, and gaps in funding, research and data collection, dissemination and monitoring;

26. *Decides* to consider the issue of child, early and forced marriage at its seventy-fifth session under the item entitled "Promotion and protection of the rights of children", taking into account the multifaceted and worldwide nature of this issue.